

<b>2.3 REFERENCE NO - 18/501428/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of 16 No two-four bedroom dwellings.		
<b>ADDRESS</b> Land Adjoining Bull Lane Bull Lane Boughton Under Blean Kent ME13 9JF		
<b>RECOMMENDATION</b> - Approve, subject to the conditions below and the signing of a suitably worded Section 106 Agreement		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> – The application is allocated in the adopted Local Plan for residential use and would not give rise to any unacceptable impacts upon highway, visual or residential amenities. There are no objections from technical consultees.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> – Parish Council objection.		
<b>WARD</b> Boughton And Courtenay	<b>PARISH/TOWN COUNCIL</b> Boughton Under Blean	<b>APPLICANT</b> Mrs Alex Hudson <b>AGENT</b> Kent Design Partnership
<b>DECISION DUE DATE</b> 30/11/2018		<b>PUBLICITY EXPIRY DATE</b> 25/05/18

### Planning History

Although there is no planning history associated with the site itself, close to the application site there are two oast houses, known as Westlea Oast and Eastlea Oast which do have relevant planning history as follows:

SW/98/0916 (Westlea Oast, adjacent to application site) - Change of Use from agriculture to two residential units and erection of a block of two double garages. Approved 08/09/1999.

SW/98/0917 (Eastlea Oast, adjacent to application site) - Change of Use from agriculture to two residential units. Erection of two double garages and demolition of modern framed buildings. Approved 21/04/1999.

### **1.0 DESCRIPTION OF SITE**

- 1.1 The application site measures approximately 0.5 hectares in size and sits adjacent to Bull Lane which lies immediately to the west. The site slopes gently upwards from north to south and Bull Lane sits approximately 2m lower than the application site. The site lies approximately 30m above ordnance datum. Access to the site is provided from the access road which passes to the north of Eastlea Oast and adjoins Bull Lane.
- 1.2 The site is predominately comprised of unmanaged grassland, however, a row of Poplar trees are situated close to the boundary with Bull Lane. In addition to this, two large Poplar trees are located just outside of the western boundary of the site. None of the trees within or close to the application site are subject to a TPO. Close to the northern part of the application site lies two converted oast houses (as referenced in the history section above) and beyond this farmland.

- 1.3 To the south of the application site are a number of two storey post war residential properties in The Charltons. To the east of the application site lies a recreation ground which includes the village hall.
- 1.4 Public Footpath ZR607 is located partly within the site, close to the eastern boundary. This provides access to The Charltons and to local amenities and facilities beyond this.

## **2.0 PROPOSAL**

- 2.1 This application seeks planning permission for the erection of 16 dwellings. 40% (7) of the dwellings will be affordable. 6 of the 7 affordable units will be provided as affordable rent with 1 as shared ownership with the overall mix as follows:  
2 bed – 10 (4 affordable);  
3 bed – 4 (2 affordable)  
4 bed – 2 (1 affordable)
- 2.3 The properties will be two storey in height with a mixture of pitched and hipped roofs. The dwellings are arranged as a flat over parking spaces, two small terraces, semi detached and two detached properties. The development provides a total of 36 parking spaces.
- 2.4 The design of the properties is bespoke. In general the appearance pays attention to the surrounding pattern of rural Kentish vernacular although in some instances includes features such as larger sections of glazing and 'Juliet' balconies to give the design a contemporary twist. The proposed materials are comprised of red multi stock brick, slate and clay tiles, black weatherboarding and clay hung tiles.
- 2.5 Facing Bull Lane will be the front elevation of four properties, a single storey parking barn and the side elevation of a dwelling. This will require the removal of a number of the trees that are currently located along this boundary. The trees in question are approximately 8m in height and have been surveyed as having major stem decay with a number containing prolific ivy. Internally, an access road will be provided which a number of the properties will front onto. In the south eastern part of the development three of the dwellings will face onto the public footpath and beyond this the recreation ground.

## **3.0 PLANNING CONSTRAINTS**

- 3.1 Public Right of Way – ZR607

## **4.0 POLICY AND CONSIDERATIONS**

- 4.1 The National Planning Policy Framework (NPPF): Paras 7, 8, 11 (sustainable development); 34 (developer contributions); 62 (affordable housing); 67 (identifying land for homes); 73 (maintaining a supply of housing sites); 78 (sustainable development in rural areas); 98 (public rights of way); 102 (transport); 127 (achieving well designed places); 165 (sustainable drainage systems); 170 (local and natural environment); 175 (biodiversity).
- 4.2 National Planning Practice Guidance (NPPG): Air Quality; Design; Determining a planning application; Natural Environment; Open space, sports and recreation facilities, public rights of way and local green space; Planning obligations; Rural housing; Travel Plans, Transport Assessments and Statements; Use of planning conditions.

- 4.3 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policies ST 1 Delivering sustainable development in Swale; ST 2 Development targets for jobs and homes 2014-2031; ST3 (The Swale settlement strategy); ST 4 (Meeting the Local Plan development targets); CP3 (Delivering a wide choice of high quality homes); CP4 (Requiring good design); DM7 (Vehicle parking); DM8 (Affordable housing); DM14 (General development criteria); DM17 (Open space, sports and recreation provision); DM19 (Sustainable design and construction); DM21 (Water, flooding and drainage); DM24 (Conserving and enhancing valued landscapes); DM29 (Woodlands, trees and hedges) A21 (Smaller allocations as extensions to settlements).

For clarity, Policy A21 sets out the following expectations in relation to this site:

*“Through an integrated landscape strategy, create a new attractive village edge and achieve its integration within adjacent open landscapes with substantial landscape and good built design that minimises visual impact on local landscape designation.”*

- 4.4 Supplementary Planning Guidance (SPG): Developer Contributions November 2009

## 5.0 LOCAL REPRESENTATIONS

- 5.1 Letters of objection have been received from 14 separate addresses and raise the following summarised concerns:
- The proposed development will overshadow the public footpath and cause it to become waterlogged;
  - The proposed dwellings will give rise to overlooking and a loss of privacy for the occupiers of the adjacent dwellings and give rise to a loss of light;
  - The access to the development from Bull Lane is on a private road which is in a poor state of repair;
  - The access to the site should be provided further to the south;
  - Construction vehicles would have difficulty in accessing the site;
  - The proposal would have a harmful impact upon highway safety and give rise to congestion on surrounding roads that are already over capacity;
  - The surrounding road surface is in a poor state of repair;
  - The proposal will have a detrimental impact upon air quality;
  - The drainage in Bull Lane is inadequate;
  - The access to the development should be controlled by traffic lights as there is insufficient visibility;
  - Protected trees would be impacted upon by this proposal;
  - The proposal will have a detrimental impact upon the environment;
  - The development will create noise pollution;
  - The design of the dwellings would not be in keeping with the surrounding built form which includes the converted oast houses;
  - The private and affordable dwellings can be differentiated by the design quality;
  - The loss of trees adjacent to Bull Lane is unnecessary and detrimental to the visual impact of the area;
  - There is not enough open space within the development;
  - There are protected species on the site;
  - The development could influence surrounding property prices;
  - Who will be responsible for the maintenance of the carports;
  - Is a footpath to Bull Lane intended?;
  - Events at the village hall create parking overspill onto the surrounding roads and restrict the access road;
  - The electricity supply to the existing oast houses passes through the site;
  - The existing parking area for Eastlea Oast will become a passing area for traffic;
  - The proposal is contrary to the site specific requirements set out in the Local Plan;

- The density of the development is too high / number of dwellings should be reduced;
- The site lies within a conservation area and a number of restrictions were placed on the oast houses when they were converted;
- The proposal would disrupt existing views that residents of surrounding properties currently enjoy;
- There is no need for this site to be developed for residential properties as there is planning permission for 196 dwellings at Lady Dane Farm in Faversham;
- There needs to be mitigation in place so that parking does not occur on Bull Lane;
- There is no indication of the lighting strategy for the development;

5.2 I have also received correspondence from the Faversham Society, making the following points:

- The views of KCC Highways in raising concern regarding the access to the site and the requirement for a Transport Statement is agreed with;
- Accept that the site is identified in the Local Plan for development and that the number of units is as recommended;
- The level of provision of affordable housing is welcomed and in accordance with the Local Plan;
- There is a footpath running through the site which is not shown on the existing plan and if any alteration is proposed to the footpath then an application should be made for its diversion. This route should be easy to follow and clearly signposted.

## 6.0 CONSULTATIONS

6.1 **Boughton under Blean Parish Council** – object to the proposal on the following grounds:

- The access road from Bull Lane to the site is a private road. It is believed that the application is split into two separate plots in terms of land ownership with only one of these allowing access over the private road;
- There is no information as to how the access road will be maintained. If permission is granted then the roads should be adopted and maintained by the Local Planning Authority;
- The access to the development is not suitable for the proposed number of properties and would give rise to further congestion as it is already used by the residents of Eastlea Oast, School, Pre-School, Village Hall, Recreation Ground users and Bounds Farm;
- There is no contingency for additional parking and there is concern that the additional vehicles would attempt to park at the recreation ground. Bull Lane is too narrow to park along;
- The visibility splay at the junction of the access road and Bull Lane is limited and the road is not wide enough for multiple vehicles to pass in / out. The ability for construction traffic, services and emergency vehicles to use this access is questionable. There is no suitable passing area on the private stretch of road;
- The proposed housing scheme is not in keeping with the surrounding environment and the existing oast houses. The proposed dwellings close to Eastlea Oast should be reduced in scale;
- The details do not show enough vegetation around the perimeter of the development. A view of rear boundary treatment from the recreation ground is not suitable;

- The Parish Council are not against development upon this site but consider that a smaller development with access off Bull Lane would potentially be more acceptable;
- If planning permission is granted, then the Parish Council request that construction traffic be limited to movements outside of school drop off / pick up times.

6.2 **KCC Public Rights of Way (PROW) Officer** – Originally commented setting out that the proposed development directly affects public footpath ZR607. The application as originally submitted made no reference to the public footpath and as such an objection was raised. Further to this, amended details were submitted which altered the layout of the development in order to retain the alignment of the footpath. Upon re-consulting the PROW Officer, on the basis of the revised drawing the objection to the proposal was withdrawn.

6.3 **SBC Environmental Protection Team** – In respect of air quality and noise, although the site is located relatively close to the A2 and Thanet Way (A299), it is considered that the distance from them is far enough as to not warrant any further investigations in the form of assessments. There is no mention in the submission regarding the possibility of land contamination although due to the nature of the site and the proximity to agricultural land this matter should be investigated. Therefore, subject to the imposition of a condition to deal with the potential for contaminated land, no objection is raised on environmental health grounds.

6.4 **Southern Water** recommend that if the application is approved then a condition is included requiring the proposed means of foul and surface water sewerage disposal and an informative relating to connection to the public sewerage system.

6.5 **Lead Local Flood Authority (KCC)** – Originally responded stating that *“Ground investigations undertaken at the entrance to the site showed low infiltration rates at the trial pit, we would recommend that the drainage calculations are remodelled using the infiltration rate obtained from the trial pit. This is to show that the drainage system proposed works as intended and each soakaway has a suitable half drain time. As the application is for full planning permission, it must be demonstrated that adequate drainage can be accommodated within the proposed layout. We therefore recommend that the application is not determined until this information has been submitted for review.”*

Further to this, additional drainage details were provided included updated drainage calculations and KCC are satisfied with the drainage strategy at present. Additional ground investigations would be necessary but it is considered that this can be dealt with via pre commencement conditions to ensure that the proposed drainage strategy is suitable to manage surface water for the site and to not increase the risk of surface water flooding. No objection is raised subject to conditions relating to a sustainable surface water drainage scheme, a verification report and details of infiltration.

6.6 **SBC Greenspaces Manager** states that due to the location of the adjacent recreation ground it is not possible to justify on-site open space. Therefore a contribution is sought towards improvements to the recreation ground of £446 per dwelling.

6.7 **Natural England** state that *“since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. As your authority has measures in place to manage these potential impacts through the agreed strategic solution, subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential effects of the development on the site(s) and that the proposal should not result in a likely significant effect.”*

- 6.8 **Kent Police** comment that they have discussed crime prevention methods with the applicant which relates to boundary treatment, surveillance, increasing opportunities for overlooking, the lighting plan and the use of defensive planting. Recommend a condition is imposed if the application is approved to ensure that crime prevention is fully dealt with.
- 6.9 **Swale Footpath Group** refer to the comments raised by the KCC PROW Officer.
- 6.10 **KCC Developer Contributions** request that £48.02 per dwelling (total £768.25) towards additional bookstock at Boughton under Blean library. They also comment that *“Whilst Kent County Council Education Authority can demonstrate a forecast lack of provision caused by this development which will require school expansions, due to the CIL reg 123 pooling restriction the County Council can now not collect contributions from every development.”* As a result no contribution is requested from this development towards these facilities.
- 6.11 **KCC Ecology** initially commented as follows:  
*“We have reviewed the ecological information which has been submitted with the planning application and we advise that additional information is required prior to determination of the planning application :*

- *Additional information on calcareous grassland habitat on site (if present);*
- *Reptile survey;*
- *Bat scoping survey on all the trees to be lost by the proposed development; and any recommended bat surveys and mitigation (if required).”*

Further to the above comments a reptile survey was undertaken and I re-consulted with KCC Ecology who again stated that additional information on calcareous grassland habitat on site (if present) is required along with bat scoping survey on all the trees to be lost by the proposed development. These comments lead to a Preliminary Tree Roost Assessment being submitted along with a Habitat Appraisal Survey Report. Upon re-consulting with KCC Ecology it was considered that further information on calcareous grassland habitat on site (if present) was still required, in addition to a dusk emergence/dawn re-entry bat survey and mitigation (if required). Upon the receipt of additional information which included an amended tree roost assessment and ecological habitat appraisal I again re-consulted KCC Ecology who made the following comments.

Firstly, on the basis of the additional information the conclusion that the site does not contain calcareous grassland is accepted. In respect of bats, all of the trees that have potential to support bat roosting are being retained and therefore a condition is recommended which secures the protection of these trees (and other retained trees and hedgerows) during construction work. Furthermore, a condition requiring a lighting strategy for biodiversity is recommended. It is accepted that there are no reptiles or amphibians on the site and as such no mitigation is required in regards to these. It is recommended that the protection of retained habitats is included in the Construction Management Plan.

The site is within 3.2km of Special Protection Areas (SPA) and Wetlands of International Importance under the Ramsar Convention (RAMSAR sites) and there is a need to contribute to the North Kent Strategic Access Management and Monitoring Strategy (SAMMS). However, in addition to this an ‘appropriate assessment’ is needed under the Habitats Directive.

Finally, ecological enhancements need to be over and above mitigation measures and therefore further bird and bat boxes are required, along with a generous native planting scheme. A condition on this basis is recommended. Subject to the conditions suggested KCC Ecology raise no objection.

- 6.12 **KCC Highways & Transportation** initially responded requiring a Transport Assessment to be carried out to assess the existing and projected traffic movements at the junction with Bull Lane. In addition the Transport Assessment is required to confirm an adequate visibility splay at the junction. Furthermore, amendments were suggested in respect of the width of the access road (within the site), visibility of cars exiting car ports, a swept path analysis showing a refuse freighter accessing and exiting the site (and turning within the site). Required details of cycle parking provision and that provision should be made for electric charging points.

The above comments led to the submission of a Transport Assessment. Upon re-consultation, KCC Highways & Transportation were satisfied with the findings of the assessment in relation to the speeds along Bull Lane and the determined visibility splays. In addition, the number of additional vehicle movements, equating to approximately one every 8 minutes during peak hours, is not considered to represent a detrimental impact compared to the existing usage of Bull Lane. However, the requirement for the access road within the site to be increased to 4.8m in width for at least 12m - so that there can be two way vehicle movement to prevent any unnecessary waiting on the access road outside of the site leading to Bull Lane was reiterated. The original point regarding electric vehicle charging points was also repeated. Furthermore, there is concern regarding the potential for residents of plots 12-14 to park directly outside their properties on Bull Lane. The result of this would narrow the carriageway to such a degree that it would be to the detriment of highway safety. As a result physical measures should be introduced to prevent this. Finally, it is considered that the footpath that links to the southeast of the site should be surfaced to enable a safer and more convenient form of pedestrian access.

Due to the above comments, further amendments and clarification was received which shows an increased access width, the installation of bollards on Bull Lane, clarification that the existing footpath will be surfaced and refuse vehicle tracking. On this basis I again consulted KCC Highways & Transportation who consider the above amendments to be satisfactory. The acceptability of the limited increase in the use of the access which links the site to Bull Lane has been reiterated, as has the visibility splay at the junction with this road and Bull Lane. On this basis, no objection is raised subject to a conditions requiring a construction management plan; provision for the footpath improvements; provision and permanent retention of the car parking spaces; provision and permanent retention of the vehicle loading/unloading and turning facilities prior to the use of the site commencing; provision and permanent retention of covered cycle parking facilities; and provision and permanent retention of vehicle charging facilities.

- 6.13 **Canterbury & Coastal CCG** have confirmed that they will not be seeking contributions from this development.
- 6.14 **SBC Strategic Housing and Health Manager** has confirmed that the requirement for affordable housing on this site is 40% which equates to 7 units. The tenure split should be 90% affordable rent and 10% shared ownership. Upon receipt of the original application where 5no. 2 bed units and 2 no. 3 bed units were proposed as being affordable, it was requested that the mix was more closely aligned with the private mix. As such, an amendment was made to the mix to provide 4no. 2 bed units, 2 no. 3 bed units and 1no. 4 bed units, with the 4 bed unit being shared ownership and

the remainder affordable rent. This amended mix and tenure split has been accepted by the Strategic Housing and Health Manager.

- 6.15 **UK Power Networks** have confirmed that they do not make comments on applications where the overhead power line is affected and would require developers to make contact with themselves if lines were required to be diverted.

## 7.0 BACKGROUND PAPERS AND PLANS

- 7.1 The application has been supported by a number of documents including the following:

- Proposed floorplans and elevations;
- Streetscenes;
- Block Plan;
- Flood Risk and Drainage Strategy;
- Habitat Appraisal;
- Tree Survey;
- Reptile Survey;
- Transport Assessment.

## 8.0 APPRAISAL

### Principle of Development

- 8.1 The application site is allocated in the adopted Local Plan under policy A21 for a minimum of 16 dwellings and is situated within the built up area boundary. The proposal would provide 16 dwellings which would contribute towards the Council's housing supply on a site which is specifically allocated for this type of development. To reach the point whereby the site has been allocated in the Local Plan it has gone through a rigorous selection process and has been independently assessed by a Planning Inspector, reaching the opinion that it is suitable for residential development. In addition to this, it is also relevant to consider that the Council is unable to currently demonstrate a 5-year supply of housing land. As such, in my view this means that even greater weight should be given towards the suitability of this site for housing. On this basis I am of the very firm that the principle of this development upon this site is accepted.

### The quantum of housing and mix of units

- 8.2 As set out above, the proposal seeks planning permission for 16 dwellings – which is the minimum number of dwellings that Local Plan envisaged for the site - on a site of 0.5 hectares. This equates to a density of 32 dwellings per hectare. The site is to comprise a new edge to the built up area before opening out into the rural landscape to the north. In regards to national and local policy, the NPPF (paragraph 122) states that *'decisions should support development that makes efficient use of land, taking into account'*, amongst other matters, *'the desirability of maintaining an area's prevailing character and setting'*. Furthermore, Local Plan policy CP3 states that proposals will *"Use densities determined by the context and the defining characteristics of the area"*. In my view, the quantum of dwellings, which produces the density of the development, is the lowest that policy A19 sets out should be provided on this site. As such, in the context of the site, which is located adjacent to the open countryside I take the view that this is an appropriate scale of development and is compliant with the NPPF and Local Plan in this regard.
- 8.3 The overall aim of policy CP3 is to deliver a wide choice of high quality homes. In this case, the majority of the properties, 10 out of 16 (63%) are proposed to be 2 bed units.



The Local Plan sets out that 36% of dwellings should be 2 bedroom, however, it is also clear that this is a starting point and site specifics could lead to a different mix being acceptable. In this case, I again refer to the location of the site, creating a new built up edge to the village. As a result, the higher number of smaller units means that there is less built footprint and a smaller need for associated land uses such as car parking. As a result, this enables the scheme to, in my view, sit more comfortably in its context (which will be explored in more detail below) and as a result I believe this to be acceptable.

### **Visual Impact, landscaping and impact upon valued landscapes**

8.4 The site is abutted to the south by two-storey semi-detached properties in The Charltons whilst the residential properties known as Eastlea Oast and Westlea Oast are sited to the north and north-west. At the current time, due to the undeveloped nature of the site, when approaching from the north along Bull Lane the properties in The Charltons currently mark the point where the countryside ends and the built-up area begins. The result of the site's location is that built form on this land will provide a new definition of the start of the built-up area.

8.5 The application site lies within an area of high landscape value (Swale Level) and as such the proposal is required to be considered in terms of policy DM24 which states that Areas of High Landscape Value (Kent and Swale Level) are designated as being of significance to Kent or Swale respectively, where planning permission will be granted subject to the:

1. conservation and enhancement of the landscape being demonstrated;
2. avoidance, minimisation and mitigation of adverse landscape impacts as appropriate and,

when significant adverse impacts remain, that the social and or economic benefits of the proposal significantly and demonstrably outweigh harm to the Kent or Swale level landscape value of the designation concerned. In addition to this, policy A21 of the Local Plan specifically references this site and sets out the following requirement:

*“Through an integrated landscape strategy, create a new attractive village edge and achieve its integration within adjacent open landscapes with substantial landscape and good built design that minimises visual impact on local landscape designation.”*

8.6 In the first instance, I give significant weight to the allocation of the site in the Local Plan for residential use. As a result of this, it has been accepted in principle that the site in visual terms will alter quite significantly. In addition, and as set out above, the application proposes 16 dwellings, which is the minimum number which would be accepted on this site and a higher number of smaller units. In the context of the location of the site within an area of high landscape I take the view that this will help to mitigate against adverse landscape impacts.

8.7 Having said the above, regardless of the number of units, a key consideration in this case is the design of the properties and how they will relate to their surroundings. This is an issue picked up on more than one occasion in the neighbour representations. The two oast houses previously referred to are in very close proximity to the site and in my view have architectural merit. As the dwellings upon this site will have a close relationship with these properties their design is of fundamental importance.

8.8 In an overall sense, I consider that the design of the properties has been well considered. The dwellings are of a bespoke design, although, as the Design & Access Statement sets out, design cues and the proposed use of materials have been taken

from existing built form within Boughton. Additionally, in design terms, the proposed dwellings have not attempted to compete with the oast houses. Any effort to do so would in my view have the potential to become too much of a pastiche of historic types that are impossible to authentically reproduce. As such, the approach that has been put forward is in my opinion appropriate and will allow for the oast houses, and the development itself, to be appreciated in their own right whilst sitting comfortably alongside one another.

- 8.9 A key issue in terms of the success of this scheme from a visual perspective will be the careful selection of materials. The Design & Access Statement sets out that the external facing materials will be comprised of red multi-stock brick, slate and clay tiles, black weatherboarding and clay hung tiles. I am of the opinion that these are broadly acceptable. However, I do not have the details of the exact variants that are proposed. As such, to ensure this is dealt with appropriately I have recommended a condition requiring details of the materials to be provided.
- 8.10 I also note that concern has been raised locally that the units sitting closest to the oast houses (no.s 12-15), due to their scale, do not allow for Eastlea Oast to the north of the site to be fully appreciated. The ridgeline of these proposed properties sits approximately 1.5m above Eastlea Oast. However, I take into account that the application site also sits approximately 1.5m above the level of Bull Lane. However, of fundamental importance is that along the Bull Lane frontage there is a 12m gap between the closest proposed property and Eastlea Oast. In addition, the hipped roof of this proposed property slopes away from Eastlea Oast and as such, taking the above into account I do not believe that the proposal would dominate or unacceptably harm the setting of Eastlea Oast.
- 8.11 A further requirement in order satisfy the aims of policy A21 is for a substantial landscaping scheme. An indicative landscape proposal has been provided which shows planting along the Bull Lane frontage and the retention of a number of trees around the perimeter of the site. In addition, indicative planting within the site is proposed. I recognise that planting already exists along the margin of the site close to Bull Lane which is proposed to be removed and that local concern has been raised in respect of this. However, I give weight to the Arboricultural Report which has been submitted which considers these trees to be in poor condition with stem decay and severe ivy. As such, although for arboricultural reasons there is convincing evidence to remove these trees, I agree that there will be an impact from a visual perspective. However, the site layout clearly shows indicative replacement planting in this location and I am of the view that successful replacement planting can be provided. On this basis I have recommended an appropriate landscaping condition to ensure that this is dealt with appropriately.
- 8.12 Further to the above, I do have some concern that due to the proximity of two large Poplar trees which lie close to but outside of the eastern boundary of the application site that their long term health could potentially be compromised. The reason for this is that due to the amount of overhang of the rear garden of plot 1 there is potential for residents to wish to cut these trees back to the boundary. This could have knock on effects for the longer term health of these trees. However, I am of the view that as the site as a whole is relatively restricted in terms of being able to provide the policy compliant required number of units I consider that it is acceptable for this plot to be retained in its current location. However, to mitigate against the possibility of the future issues with these trees, I am seeking some compensatory planting elsewhere on the site. I have discussed this with the agent who has given their general agreement and has agreed to a

condition in respect of this. As such, due to only indicative landscaping details being provided at this stage, as set out above I have recommended a condition requiring detailed landscaping proposals is imposed. As a result I am confident that a landscaping scheme can be provided which will help to mitigate landscape impacts.

- 8.13 A further contributory factor to the success or otherwise of the development will be the boundary treatments. Due to the layout of the site, the rear of units 1-3 will be visible from the recreation ground and in longer range views from the east. There is the potential that if these rear boundaries are not treated sensitively then this could have a detrimental impact upon visual amenities. No details of boundary treatments have been provided and as such I have recommended a condition requiring these so that this can be dealt with appropriately.
- 8.14 Internally within the site itself I am of the view that the layout works well with active frontages overlooking the internal access road and surveillance of the parking areas. Overall I consider that the dwellings have been well designed within their context and display good planning principles such as dwellings positively engaging with Bull Lane. I believe that through the careful choice of materials, a well considered landscape approach and the appropriate choice of boundary treatments that the proposal will not give rise to any significant harm to this designated landscape or visual amenities.
- 8.15 I have also made an assessment of the scheme against Building for Life 12 (as agreed by the Local Plan Panel on 25.04.18), and consider that it scores well in terms of this. My assessment is appended.

### **Impact upon residential amenities**

- 8.16 As set out above, there are existing residential properties located to the north and north-east of the site in the form of the converted oast houses and to the south with the properties in The Charltons. Concern has been raised by neighbours in respect of the impact that the proposal would have upon residential amenities which I will discuss as follows.
- 8.17 To the south, the closest properties to the application site in The Charltons (No.s 2, 4, 6, 8, 10, 12) have their rear elevation facing towards the application site. However, these properties all benefit from generous rear gardens, the shortest of which is approximately 20m long. As such, when the 10m rear gardens which serve the proposed units facing these properties are taken into consideration, a rear to rear distance comfortably in excess of the Council's minimum standard of 21m is achieved. One of the proposed properties has its flank elevation facing towards No.12 The Charltons, however, these properties would be separated by a gap of 25m. The Council usually expects a minimum flank to rear separation distance of 11m and as such, again, I consider this relationship to be wholly acceptable. As such I believe the residential amenities of both existing and potential occupiers in the southern part of the site would not be significantly harmed.
- 8.18 As stated above, the gap between Eastlea Oast and the closest proposed property (unit 15) is 12m. However, as both of these properties front Bull Lane I do not believe that this relationship would give rise to any serious harm to the amenities of the existing occupiers. I do note that unit 16 has available rearward views towards the rear private amenity space of Eastlea Oast. However, the distance into the central part of the garden is approximately 26m. In addition, there is a proposed car port which would disrupt this view. As such, I consider this relationship to be acceptable.

- 8.19 In respect of Westlea Oast on the opposite side of Bull Lane, this is separated from the closest proposed units by approximately 22m. The relationship between these existing and proposed properties, with dwellings facing each other on opposite sides of the highway is entirely typical. Although I appreciate that the application site is raised above Bull Lane by approximately 1.5m I do not believe that this element of the layout could be considered as being unacceptably harmful in terms of giving rise to opportunities for overlooking or a loss of light. In addition, I also note that a large proportion of the private amenity space related to No.2 Westlea Oast is situated to the side of the property. As a result, views into this area will be able to be achieved from the proposed units 12-15. However, due to the depth of the garden and that a proportion of it appears to wrap around the rear of the property, there will still be areas that are screened from view and other areas towards the rear of the private amenity space which will be 50-60m away from the closest proposed property. As such I am of the opinion that the proposal would not give rise to a significant loss of privacy in this regard.
- 8.20 In relation to the residential amenity of the future occupiers, the site has been arranged internally so that there are limited opportunities for overlooking. Having said this, there are sideways views from the rear of unit 6 into the private amenity space of unit 7 and from the rear of unit 14 and 15 into the rear private amenity space of unit 16. In the above instances, the distances are approximately 15m into the central part of the rear private amenity space. As a result, as these views are from the side I consider on balance that these relationships would not give rise to unacceptable harm in terms of overlooking or a loss of privacy.
- 8.21 I have also taken into consideration that the closest existing residential property to the application site, No.2 Eastlea Oast, has a first floor balcony upon its rear elevation. This would allow for elevated sideways views into the rear private amenity space of proposed unit 15 from a distance of approximately 16m. However, as this is a marginally less harmful relationship than the separation distances as described in the paragraph above, I therefore, on balance, consider this to be acceptable.
- 8.22 Aside from 1 of the units, the dwellings all have a minimum garden depth of 10m which I consider to provide adequate outside amenity space. The unit which does not benefit from any outside private amenity space is unit 11. This unit is comprised of two bedrooms and is located over parking spaces. In considering whether this is acceptable I give significant weight to the location of the adjacent public open space which is situated approximately 50m away from this unit. In addition, I take into account that in terms of floorarea this is the smallest unit on the site and the most likely to contain the least number of occupants. As such, in this case I take the view that the amenity of the future occupants of this dwelling would not be so significantly harmed as to create an unacceptable impact.
- 8.23 I do recognise that there is the potential for construction works, if carried out at unsociable hours, to cause to harm residential amenities. Therefore I have requested a condition which controls construction hours. On the basis of the above I do not believe that the proposal would give rise to unacceptable harm to residential amenities.

#### **Highway safety and amenity**

- 8.24 As set out above, a number of comments from neighbours relate to highway capacity, safety and amenity in the area close to the application site. As also included above, the proposal has been considered in detail by KCC Highways & Transportation.

- 8.25 Access to the site would be obtained from the access road which leads from Bull Lane. This road currently serves the parking area of Eastlea Oast, the recreation ground, the village hall, the primary school and farmland to the north of the application site. During the course of the application, a Transport Assessment has been provided and KCC Highways & Transportation have accepted the conclusions in respect of the additional traffic movements that would be generated by this development. In summary, the conclusion has been drawn that due to the relatively modest scale of the development, the limited increased usage of the surrounding road network is unlikely to significantly increase congestion.
- 8.26 The Transport Assessment has also considered the visibility at the junction with Bull Lane. This junction, due to the facilities that it currently serves is already relatively well used, with the region of 124 vehicle movements associated with the Primary School in the morning and afternoon peak. The proposed dwellings are expected to generate around 7 vehicle movements in the morning peak and another 7 in the evening peak. There is no accident record at the junction with Bull Lane to suggest that there are currently any issues with its operation and in addition to this the surveys along Bull Lane have demonstrated relatively low vehicle speeds. Therefore it appears that road users naturally take the required level of care at the junction in order to negotiate it in a safe manner.
- 8.27 KCC Highways & Transportation are aware that the visibility splay that has been demonstrated does cross third party land (Eastlea Oast) and as such I do have some concern that there is not total control in terms of how this piece of land is dealt with in future. However, as noted by KCC Highways & Transportation, it is important to consider that this is the existing situation for vehicles that currently use this junction, which includes the residents of Eastlea Oast themselves. In addition to this, I take into consideration condition 18 of planning permission SW/98/917 which granted approval for the conversion of the oast house. This condition sets out that no gates, walls, fences or other means of enclosure shall be constructed without the prior written approval of the Local Planning Authority. As such, if an application was made for such works (that could impact upon the visibility at this junction) then the Council would have control over whether it was approved. I do appreciate that this does not preclude something being installed which did not fall under the description of development (and as such wouldn't require consent from the Council). However, I give weight to the fact that the junction and the visibility is, as set out above, as existing and already provides access to a number of services and facilities. In addition, KCC Highways & Transportation consider that the visibility splay as indicated in the Transport Assessment is actually a little greater than what would be required and as such this would further reduce the margin by which the splay crosses third party land. For the above reasons KCC Highways & Transportation are content that the visibility at the junction is acceptable.
- 8.28 In respect of the access to the site, I also note the comments of the Parish Council insofar as there is uncertainty over the rights of access and the ownership of the road that links the site to Bull Lane. I have discussed this with the agent who has provided me with the ownership certificates of the application site (the site is split into two separate titles but are both in the applicant's ownership). In summary, the rights of one of the titles allows access over the section of highway which links the site to Bull Lane. Therefore, as the entirety of the site is within the ownership of the applicant it would in my view be extremely unlikely that these rights weren't also afforded to the second parcel of land (i.e. the applicant would be unlikely to sterilise access to their own site). As such, notwithstanding that this would be a private legal matter outside of the planning process I do not consider that this would be likely to cause a barrier to future occupants being able to access the wider highway network from the application site.

- 8.29 There has also been discussion regarding the possibility of future occupants of units 12-15 parking in Bull Lane, close to the frontage of their properties. KCC Highways & Transportation were initially of the view that bollards would be required upon Bull Lane to prevent this from happening as the width of Bull Lane is restricted. As a result, an amended drawing was submitted indicating bollards and which KCC Highways & Transportation considered acceptable. However, KCC Highways & Transportation have, since this time, re-considered their position. They are now of the view that if appropriate boundary treatment and planting was provided along the Bull Lane frontage within the application site then this would dissuade occupants of units 12-15 from accessing their properties on foot directly from Bull Lane. This would mean that parking in this location would be unlikely to occur as it would be more convenient to park in the designated spaces within the development. I am of the view that there is sufficient room in the area to the front of units 12-15 to allow for sufficient planting and boundary treatment. Therefore I consider that this can be adequately dealt with via the conditions relating to landscaping and boundary treatments as discussed above. In addition to this, in the area to the front of unit 15, there appears to be a potential pedestrian link that would only provide access into a privately owned parcel of land. As such, I believe that the condition requiring boundary treatment details can also be used to provide a robust enough barrier in this location to make this unusable.
- 8.30 In respect of parking numbers (36 spaces), KCC Highways & Transportation are of the view that their guidance is complied with. In addition, the access within the site has been widened to 4.8m. This allows for two vehicles to pass one another and means that additional waiting on the access road linking the site to Bull Lane would be mitigated.
- 8.31 Overall, I note that KCC Highways & Transportation raise no objection subject to a number of conditions which I have recommended below. On this basis and for the reasons set out above, I take the view that the impact upon highway capacity, safety and amenity would not be unacceptable.

### **Developer Contributions**

- 8.32 Members will note from the consultation responses received above that in line with normal procedures for a development of this size, it would generate a requirement for financial contributions to deal with additional demand on local infrastructure. The contributions requested are as follow:
- KCC Libraries - £48.02 per dwelling - £768.32
  - Off Site Play – £446 per dwelling - £7,136
  - Refuse - £101 per dwelling – £1,616
  - SPA Mitigation - £239.61 per dwelling - £3,833.76
  - Administration and Monitoring fee – £667.70
  - Total = £14,021.78
- 8.33 The applicant has agreed to pay these contributions. Members will note that there is no contribution requested for education or healthcare facilities. Both KCC and the CCG (Canterbury and Coastal) were consulted, however, they have confirmed that they would not be seeking a contribution from this development. In terms of the above contributions I am of the view that a Section 106 Agreement is the best mechanism for addressing the SAMM contribution, the details of which are set out under the subheading '*The Conservation of Habitats and Species Regulations 2017*'.

**Affordable Housing**

- 8.34 For applications proposing 11 dwellings or more, Policy DM8 of the adopted Local Plan states that in 'all other rural areas', where this application site is located, 40% of the dwellings should be affordable. This equates to 7 dwellings in this case. The Local Plan also sets out that the target for the tenure split of the affordable units will be 90% affordable rent and 10% intermediate products (usually shared ownership). In this case the applicant has agreed to provide 7 units as affordable, with 6 of these as affordable rented units and 1 as shared ownership. Initially, the application proposed the following mix of affordable dwellings – 5no. 2 bed and 2no. 3 bed. Upon consulting with the Council's Strategic Housing and Health Manager it was suggested that the mix be amended to more closely align with the mix of the private units. Further to this, the agent proposed the affordable units to be split as 4 x 2 bed, 2 x 3 bed and 1 x 4 bed. The 2 and 3 bed units were proposed to be provided as affordable rent and the 4 bed unit as shared ownership. I re-consulted with the Council's Strategic Housing and Health Manager who has accepted the proposed mix and tenure split. On this basis I am of the view that the proposal would be compliant with Policy DM8 of the Local Plan and the 7 affordable units would go towards meeting an identified need.

**Drainage and Contamination**

- 8.35 In regards to drainage, a Flood Risk Assessment and Drainage Strategy was originally submitted in support of the application. As set out in the consultation section above, the Lead Local Flood Authority (KCC) required further information to demonstrate that adequate drainage can be accommodated within the proposed layout. Further information in the form of updated drainage calculations was submitted and this led to the Lead Local Flood Authority confirming that they were satisfied with the drainage strategy. Further details would be required, some of which would be necessary prior to the commencement of the development, however the Lead Local Flood Authority take the view that this can be adequately dealt with via condition. On this basis no objection is raised subject to the imposition of these conditions that I have recommended.
- 8.36 Southern Water have requested a condition requiring details of the means of foul sewerage and surface water disposal. I have recommended that this condition is amended to remove reference to surface water disposal as this is dealt with under conditions recommended by the Lead Local Flood Authority and believe that this adequately deals with this issue.
- 8.37 I have consulted with the Council's Environmental Protection Team Leader. In respect of air quality and noise, although the site is located relatively close to the A2 and Thanet Way it is considered that the distance is far enough as to not warrant any further investigations in the form of assessments. However, there is no mention in the submission regarding the possibility of land contamination on the site. Therefore, due to the nature of the site and the proximity to agricultural land this matter should be investigated. As such, subject to the imposition of a condition to deal with the potential for contaminated land, no objection is raised on environmental health grounds.

**Public Right of Way**

- 8.38 Public Right of Way ZR607 passes close to, and partly within the application site close to the eastern boundary. The footpath provides access into The Charltons and beyond to a number of the services and facilities in Boughton. This is particularly important as there is no footpath along Bull Lane adjacent to the application site. During the course of the application an amendment has been made so that the current alignment of the footpath is retained and the KCC PROW Officer raises no objection to the proposal.

- 8.39 KCC Highways & Transportation noted that to improve the likelihood of future occupiers, and indeed, anyone else using this footpath, gaining access to the services and facilities in Boughton, it has been requested that the footpath is surfaced. I have liaised with the agent regarding this and I have received confirmation that the applicant is willing to carry this out. As such, I have recommended a related condition and am of the view that this will improve the pedestrian connectivity of the site.

### **Ecology**

- 8.40 The site is predominately comprised of unmanaged grassland, however, there are also a number of trees present both within and close to the margins of the site. As a result there is the potential for protected species to be present and I therefore consulted with KCC Ecology. As set out above in the consultation section, during the course of the application, a request was made for additional information in the form of survey work to be undertaken. These have been carried out and KCC Ecology have been re-consulted at each stage of the process.
- 8.41 KCC Ecology agree with the survey that there are no reptiles present on the site and clarification has been provided that the trees with the potential to be used by roosting bats are being retained. As a result, KCC Ecology raise no objection to the application subject to a number of conditions being imposed such as the requirement for bird and bat boxes and for a native planting scheme. I have recommended these and am of the view that this will achieve the aim of providing net gains for biodiversity.

### **The Conservation of Habitats and Species Regulations 2017**

- 8.42 The application site is located within 6km of The Medway Estuary and Marshes Special Protection Area (SPA) and the Swale SPA which are European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.
- 8.43 Residential development within 6km of any access point to the SPAs has the potential for negative impacts upon that protected area by virtue of increased public access and degradation of special features therein. The HRA carried out by the Council as part of the Local Plan process (at the publication stage in April 2015 and one at the Main Mods stage in June 2016) considered the imposition of a tariff system to mitigate impacts upon the SPA (£239.61 per dwelling, as ultimately agreed by the North Kent Environmental Planning Group and Natural England) – these mitigation measures are considered to be ecologically sound.
- 8.45 However, the recent (April 2018) judgement (People Over Wind v Coillte Teoranta, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on a protected area, “it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.” The development therefore cannot be screened out of the need to provide an Appropriate Assessment (AA) solely on the basis of the agreed mitigation measures (SAMMS), and needs to progress to consideration under an AA.



- 8.46 In this regard, whilst there are likely to be impacts upon the SPAs arising from this development, the scale of development (16 new dwellings on an allocated site within the built up area, with access to other recreation areas, including open space immediately adjacent to the site) and the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff will ensure that these impacts will not be significant or long-term. The allocation of the site in the Local Plan means that it would have been considered during the adoption process of the Local Plan. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPAs.
- 8.47 It can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others. (<https://birdwise.org.uk/>).

### **Other Matters**

- 8.48 Although I am of the view that the vast majority of the points raised by neighbours have been considered by virtue of the consultation and appraisal section above, of those that remain I respond as follows. Firstly, as Members will be aware, loss of a view or impact upon property prices are not material planning considerations and as such I make no further comment in respect of this.
- 8.49 I do note the comment that has been provided which states that overhead power lines, which provide electricity to the oast houses, cross the application site. Having assessed where these power lines are located I believe it to be very likely that they would need to be diverted / placed underground in order to allow the development to proceed. UK Power Networks have been consulted as part of this application, however they have confirmed that they do not make specific comments on planning applications where power lines would be required to be diverted. Instead, contact would need to be made with UK Power Networks by the developer post any planning permission being issued.
- 8.50 Having considered this I am of the view that a condition, requiring either the power lines to be diverted, including potentially placing these underground, should be imposed. This will allow for the Council to be able to consult with UK Power Networks on the details that are provided and will enable the power lines to be dealt with in an appropriate manner.

## **9.0 CONCLUSION**

- 9.1 In overall terms, I give significant weight to the allocation of the site in the Local Plan for a minimum of 16 dwellings and that the Council can no longer demonstrate a five year supply of housing land. As such I take the view that the proposal would contribute towards the Council's housing supply in a location which is accepted in principle. I also give weight to the provision of affordable housing upon the site which will help to meet an identified need. I am of the view that the proposal, subject to the relevant recommended conditions, satisfies the requirement to mitigate against impacts upon the designated landscape.
- 9.2 The objections that have been received have been considered in detail. However, based upon the views of consultees and the appraisal of the application as set out above I believe that subject to the imposition of the listed conditions the proposal would not give rise to unacceptable harm in regards to residential or visual amenity, the landscape designation or highway safety and amenity. Additionally, I believe that

matters in relation to ecology, drainage and contamination can be adequately dealt with by virtue of the conditions recommended. The applicant has committed to the payment of the developer contributions to mitigate against increased demand on local infrastructure.

- 9.3 On the basis of the above, I consider that planning permission should be granted for the development subject to the conditions listed below, an appropriately worded Section 106 Agreement to include the contributions as set out in this report and to secure the 7 affordable units.

## 10.0 RECOMMENDATION

GRANT Subject to the following conditions and suitably worded Section 106 Agreement (including authority to make such minor amendments to the wording of the legal agreement and the conditions as may reasonably be required):

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be carried out in accordance with the following drawings: 17-44-11 (received 15<sup>th</sup> March 2018); 17-44-12 (received 15<sup>th</sup> March 2018); 17-44-13 (received 15<sup>th</sup> March 2018); 17-44-14 (received 15<sup>th</sup> March 2018); 17-44-16 (received 15<sup>th</sup> March 2018); 17-44-18 (received 15<sup>th</sup> March 2018); 17-44-19 (received 15<sup>th</sup> March 2018); 17-44-20 (received 15<sup>th</sup> March 2018); 17-44-17 A (received 28<sup>th</sup> March 2018); 17.44.30B (received 29<sup>th</sup> May 2018); 17.44.10A (received 28<sup>th</sup> January 2019); and 17.44.15A (received 28<sup>th</sup> January 2019).

Reason: For clarity and in the interests of proper planning.

- 3) No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- 4) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 5) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 6) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 7) Construction of the development shall not commence until details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To ensure that foul water is adequately dealt with.

- 8) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the Local Planning Authority:

- 1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

- 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

- 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Reason: To ensure that any contaminated land is adequately dealt with.

- 9) Development shall not commence until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment and Drainage Strategy Report (November 2018, Revision 2) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted

critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 10) No dwelling of the development hereby permitted shall be occupied (unless as agreed within an implementation schedule) until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 11) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- 12) No development shall take place until a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall:

a) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;

b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interests of biodiversity and to ensure the protection of protected species.

- 13) Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These details shall include the installation of bat and bird nesting boxes. The approved details will be implemented and thereafter retained.

Reason: In order to achieve a net gain in biodiversity.

- 14) No development beyond the construction of foundations shall take place until a detailed site layout drawing at a scale of 1:200 showing the boundary treatments to be used across the site, including details of the bricks, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details before the 1<sup>st</sup> dwelling is occupied or in accordance with a programme that shall have been agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and highway amenity.

- 15) No retained tree shall be damaged, cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the amended arboricultural tree survey & Impact assessment report (ref: 1607 version 3) dated 03/12/2018, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations or any revisions thereof. The installation of tree protection barriers, the methods of working shall be undertaken in accordance with the amended arboricultural tree survey & Impact assessment report (ref: 1607 version 3) dated 03/12/2018.

Reason: To protect and enhance the appearance and character of the site and locality

- 16) If any retained tree dies, or is removed, uprooted or destroyed, another tree shall be planted in the same location and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the Local Planning Authority.

Reason: To protect and enhance the appearance and character of the site and locality,

- 17) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times: Monday to Friday 08:00 – 18:00 hours, Saturdays 08:00 – 13:00 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- 18) No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor any other day except between the following times:- Monday to Friday 0900-1700hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- 19) No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first use of any dwelling.

Reason: In the interest of promoting energy efficiency and sustainable development.

- 20) The development hereby approved shall not commence until details have been submitted to and approved in writing by the Local Planning Authority demonstrating how the development will meet the principles of 'Secure by Design'. The development shall then be completed strictly in accordance with the approved details.

Reason: In order to secure a satisfactory form of development having regard to the nature of the site.

- 21) The dwellings hereby approved shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwellings shall not be occupied unless the notice for that dwelling of the potential consumption of water per person per day required by the Building Regulations 2015 (as amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

- 22) The development hereby approved shall not commence until a Construction Management Plan to include the following has been submitted to and approved in writing by the Local Planning Authority:

- (a) Routing of construction and delivery vehicles to / from site;
- (b) Parking and turning areas for construction and delivery vehicles and site personnel;
- (c) Timing of site servicing to be limited to outside of school drop-off/pick-up hours of 8-9am and 2.30-4pm;
- (d) Provision of wheel washing facilities;
- (e) Temporary traffic management / signage.

Reason: In the interests of highway safety and amenity.

- 23) Prior to the occupation of the units hereby approved, works to the existing pedestrian link to The Charltons shall be completed, prior to which the details of the works shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To promote sustainable modes of transport.

- 24) Prior to the occupation of the units hereby approved, the access as detailed on drawing H-03 P1 (received 7<sup>th</sup> December 2018), including its width of 4.8m shall be completed and thereafter maintained.

Reason: In the interests of highway safety and amenity.

- 25) The area shown on the submitted layout as vehicle parking space, car ports, car barns or garages shall be provided before any of the dwellings are occupied and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

- 26) Prior to the occupation of the units hereby approved, details of secure, covered cycle parking facilities shall be submitted to and agreed in writing by the Local Planning Authority. The details as agreed shall be installed and thereafter maintained.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycle visits.

- 27) Prior to the occupation of the units hereby approved, details of electric vehicle charging facilities shall be provided to and agreed in writing by the Local Planning Authority. The facilities shall thereafter be installed and retained in accordance with the agreed details.

Reason: To promote sustainable modes of transport.

- 28) Notwithstanding the provisions of Class A, Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no gates, fences, walls or other means of enclosure shall be erected or provided in advance of any wall or any dwelling fronting on a highway without the consent in writing of the Local Planning Authority.

Reason: In the interests of visual amenity.

- 29) No development shall take place until details have been submitted to the Local Planning Authority and approved in writing showing how the distribution poles and

overhead lines present on the site are to be diverted and / or services placed underground.

Reason: In the interests of residential and visual amenity.

- 30) Adequate underground ducts shall be installed before any of the dwellings hereby permitted are occupied to enable telephone services and electrical services to be connected to any premises within the application site without resource to the erection of distribution poles and overhead lines, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no distribution pole or overhead line shall be erected other than with the express consent of the Local Planning Authority.

Reason: In the interests of residential amenity.

## INFORMATIVES

- 1) A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)”.
- 2) A separate application will need to be made to UK Power Networks to divert the existing power supply which crosses the site. To make this application UK Power Networks can be contacted at [www.ukpowernetworks.co.uk](http://www.ukpowernetworks.co.uk)

## The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance:

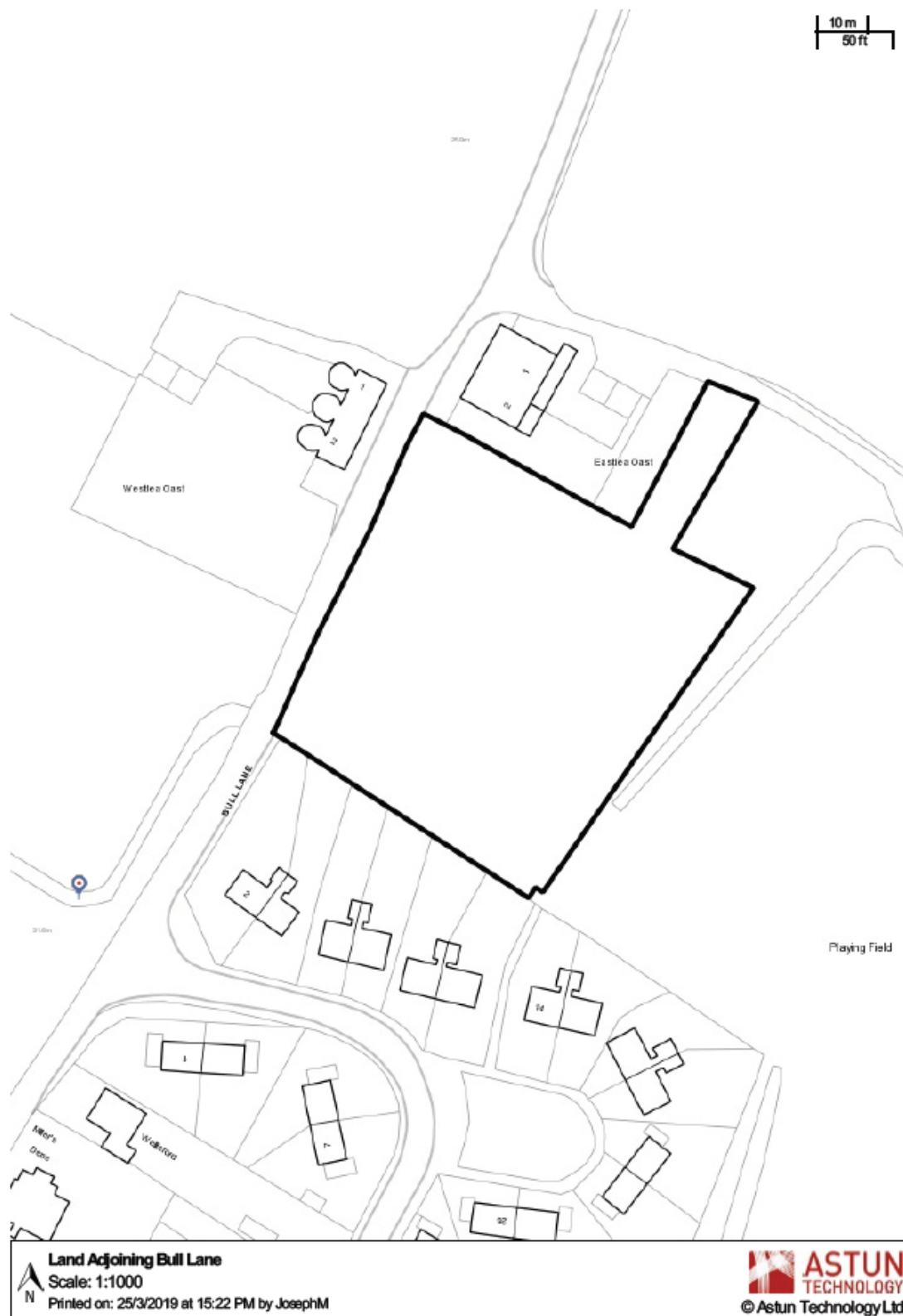
The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

If your decision includes conditions, there is a separate application process to discharge them. You can apply online at, or download forms from, [www.planningportal.co.uk](http://www.planningportal.co.uk) (search for 'discharge of conditions').

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.





APPENDIX 1



**Swale Borough Council Building for Life Checklist**

**Using this checklist**

Please refer to the full Building for Life document (<http://www.udg.org.uk/sites/default/files/publications/BFL12COMPLETED.pdf>) when assessing development proposals.

For each of the criteria and questions listed below you should provide a brief comment as to whether or not the matter has been addressed / considered fully within the submissions.

Not all developments will be able to meet all criteria. This may be due to site-specific circumstances, or matters outside of the applicant's control. In such instances applicants should explain why criteria can't be met, and officers can weight their assessment / comment accordingly.

## APPENDIX 1

SITE ADDRESS:  
APPLICATION NO.:

## 1. CONNECTIONS

ITEM	COMMENT	(SBC use) ✓/✗
1a Where should vehicles come in and out of the development?	The main access for the site utilises an existing access from Bull Lane and as such I consider this appropriate.	✓
1b Should there be pedestrian and cycle only routes into and through the development?	The Public Right of Way provides a pedestrian only route.	✓
1c Where should new streets be placed, could they be used to cross the development site and help create linkages across the scheme and into the existing neighbourhood and surrounding places?	The site is located upon the edge of an existing settlement between residential units and the open countryside. I consider the linkages (PROW) into the existing neighbourhood to be well considered.	✓
1d How should the new development relate to existing development?	The site is adjacent to existing development.	✓

## 2. Facilities and services

ITEM	COMMENT	(SBC use) ✓/✗
2a Are there enough facilities and services in the local area to support the development? If not, what is needed?	The site has been allocated in the Local Plan and Boughton under Blean has been assessed as being capable of supporting this scale of development.	✓
Where new facilities are proposed: 2b Are these facilities what the area needs?	The proposal is modest and in my view would not be required to propose new facilities.	✓
2c Are these new facilities located in the right place? If not, where should they go?	N/A – See above	N/A
2d Does the layout encourage walking, cycling or using public transport to reach them?	N/A – See above	N/A

## 3. Public transport

ITEM	COMMENT	(SBC use) ✓/✗
3a What can the development do to encourage more people (both existing and new residents) to use public transport more often?	The improvement to the PROW will allow for easier accessibility to public transport routes.	✓
3b Where should new public transport stops be located?	N/A	N/A

## 4. Meeting local housing requirements

ITEM	COMMENT	(SBC use) ✓/✗
4a What types of homes, tenure and price range are needed in the area (for example, starter homes, family homes or homes for those downsizing)?	The application provides a range of dwelling types tilted towards smaller units. Due to the potential landscape impacts I consider this to be appropriate.	✓
4b Is there a need for different types of home ownership (such as part buy and part rent) or rented properties to help people on lower incomes?	The site includes provision for 40% of the units to be affordable.	✓
4c Are the different types and tenures spatially integrated to create a cohesive community?	The different tenure types are quite closely grouped, however, this is a relatively small development so this is expected.	✓

## APPENDIX 1

## 5. Character

ITEM	COMMENT	(SBC use) ✓ / ✗
5a How can the development be designed to have a local or distinctive identity?	The design picks up on Kent vernacular with a contemporary twist.	✓
5b Are there any distinctive characteristics within the area, such as building shapes, styles, colours and materials or the character of streets and spaces that the development should draw inspiration from?	There is a mixture of building styles and designs in the local area and not one specific characteristic which I believe could be said to be distinctive.	N/A

## 6. Working with the site and its context

ITEM	COMMENT	(SBC use) ✓ / ✗
6a Are there any views into or from the site that need to be carefully considered?	The site will form a new edge to the built up area boundary and as such is relatively sensitive in terms of available viewpoints. I believe that the design and layout has been well considered in this respect.	✓
6b Are there any existing trees, hedgerows or other features, such as streams that need to be carefully designed into the development?	There is some existing planting which will be required to be removed and some which is being retained. There is sufficient room for replacement planting.	✓
6c Should the development keep any existing building(s) on the site? If so, how could they be used?	N/A	N/A

## 7. Creating well defined streets and spaces

ITEM	COMMENT	(SBC use) ✓ / ✗
7a Are buildings and landscaping schemes used to create enclosed streets and spaces?	Although the development site is relatively small I consider that this aspect has been acceptably dealt with.	✓
7b Do buildings turn corners well?	Yes, buildings upon corner plots all have dual aspects.	✓
7c Do all fronts of buildings, including front doors and habitable rooms, face the street?	Where possible.	✓

## 8. Easy to find your way around

ITEM	COMMENT	(SBC use) ✓ / ✗
8a Will the development be easy to find your way around? If not, what could be done to make it easier to find your way around?	Yes, it is of a limited size.	✓
8b Are there any obvious landmarks?	Not within the site.	N/A
8c Are the routes between places clear and direct?	Yes, due to the response to 8a as above.	✓

## 9. Streets for all

ITEM	COMMENT	(SBC use) ✓ / ✗
9a Are streets pedestrian friendly and are they designed to encourage cars to drive slower and more carefully?	Due to the limited size of the site I would expect cars to naturally travel at slow speeds.	✓
9b Are streets designed in a way that they can be used as social spaces, such as places for children to play safely or for neighbours to converse?	I believe that the layout will encourage the roads to be used as social spaces.	✓

## APPENDIX 1

## 10. Car parking

ITEM	COMMENT	(SBC use) ✓/✗
10a Is there enough parking for residents and visitors?	Yes.	✓
10b Is parking positioned close to people's homes?	Yes.	✓
10c Are any parking courtyards small in size (generally no more than five properties should use a parking courtyard) and are they well overlooked by neighbouring properties?	No more than 5 properties use the two larger areas of parking. They are well located in the site for surveillance.	✓
10d Are garages well positioned so that they do not dominate the street scene?	No garages on the site. There are car ports but I consider these to be appropriately located / well designed.	✓

## 11. Private and public spaces

ITEM	COMMENT	(SBC use) ✓/✗
11a What types of open space should be provided within this development?	The site is not big enough to accommodate this, however, there is public open space immediately adjacent to the site.	✓
11b Is there a need for play facilities for children and teenagers? If so, is this the right place or should the developer contribute towards an existing facility in the area that could be made better?	As above, however, a contribution is also requested.	✓
11c How will they be looked after?	N/A	N/A

## 12. External storage and amenity areas

ITEM	COMMENT	(SBC use) ✓/✗
12a Is storage for bins and recycling items fully integrated, so that these items are less likely to be left on the street?	Yes.	✓
12b Is access to cycle and other vehicle storage convenient and secure?	Yes.	✓